IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 13.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal No. 2115 of 2002

Chettayammal ... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the
Secretary to Government,
Adi Dravidar & Tribal Welfare
Department, Fort St. George,
Chennai-9.

2.The District Collector,
Collectorate,
Salem.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Sankari,
Salem District. .. Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 28.07.2000 made in W.P.No.13969 of 1991.

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to call for the records on the file of the first respondent in connection with his order in G.O.Ms.651, Adi Dravidar & Tribunal Welfare dated 11.4.90 published in Tamil Nadu Gazettee Extraordinary dated 12.4.90 and quash the same and direct the respondents to drop the Land Acquisition Proceedings initiated by them in respect of the land in S.No.185-1-A Kurumbapathy Village, Sankari Taluk, Salem District.

For Appellant : Mr.R.Singaravelan

For Respondents : Mr.C.Thirumaran,
Government Advocate

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 28.07.2000 made in W.P.No.13969 of 1991, in and by which, the learned single Judge, after finding that there is no merit in the writ petition, dismissed the same.

2. Heard the learned counsel appearing for the appellant as well as learned Government Advocate for the respondents.

3. The learned counsel appearing for the appellant has raised the very same contentions raised before the learned single Judge. The first contention relates to passing of the award, which according to the counsel is beyond the prescribed time. The learned single Judge, after taking note of 4(1) notification, 5-A enquiry, 6 declaration of the Tamil Nadu Land Acquisition Act (hereinafter referred to as "the Act") as well as the pendency of the earlier writ petition and ultimate dismissal by this Court even after exclusion of the entire period, has concluded that the declaration under Section 6 of the Act has been passed within three years and he satisfies the first proviso appended therein. In view of the fact that there is no dispute about the factual details, we agree with the said conclusion.

4. Coming to the second contention, it is not in dispute that the appellant has participated in the 5-A enquiry. The Land Acquisition Officer, after finding that a small bit of land of the petitioner would be required for future expansion of the beneficiaries, rejected the claim of the land owner and recommended for proceeding further. On going through 5-A proceedings, which is available at pages 8 to 13 of the typed set of papers filed by the counsel for the appellant, we are of the view that the decision of the Land Acquisition Officer cannot be faulted with.

5. On the other hand, as rightly concluded by the Land Acquisition Officer which is also accepted by the learned single Judge, the land may be required for the future expansion of the beneficiaries . Accordingly, the said contention is also rejected.

6. In addition to the same, it is not in dispute that the appellant herein is a subsequent purchaser, who purchased the land on 22.09.1982, whereas the acquisition proceedings were initiated as early as on 17.12.1977. In such circumstances, there is no need to show any indulgence as claimed by the learned counsel for the appellant.

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7. In these circumstances, we do not find any error or infirmity in the order passed by the learned single Judge. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently, WAMP No.3629 of 2002 is also dismissed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar & Tribal Welfare
Department, Fort St. George,
Chennai-9.

2.The District Collector,
Collectorate,
Salem.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Sankari,
Salem District.

+ 1 cc to Mr.R. Singaravelan, Advocate SR No.30461/06

+ 1 cc to Government Pleader SR No.30365/06

W.A.No. 2115 of 2002

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